

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

BTL INDUSTRIES, INC., )  
Plaintiff, )  
v. ) C.A. No. 19-2356 (CFC)  
ALLERGAN USA, INC., )  
ALLERGAN, INC., ZELTIQ )  
AESTHETICS, INC., ZIMMER )  
MEDIZINSYSTEMS )  
CORPORATION and ZIMMER )  
MEDIZINSYSTEME GMBH, )  
Defendants. )

**DEFENDANT ZIMMER MEDIZINSYSTEME GMBH'S MOTION TO  
DISMISS THE COMPLAINT**

Pursuant to Federal Rules of Civil Procedure 12(b)(1), 12(b)(2) and 12(b)(6), Defendant Zimmer MedizinSysteme GmbH moves to dismiss Plaintiff's Complaint for lack of standing, lack of personal jurisdiction and failure to state a claim upon which relief can be granted. The grounds for this motion are set forth in the Opening Brief submitted herewith.

A proposed form of Order is attached hereto.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

*/s/ Jack B. Blumenfeld*

---

OF COUNSEL:

Justin P.D. Wilcox  
Kerri-Ann Limbeek  
Karl Mullen  
Jun Tong  
DESMARAIS LLP  
230 Park Avenue  
New York, NY 10169  
(212) 351-3400

---

Jack B. Blumenfeld (#1014)  
Jeremy A. Tigan (#5239)  
1201 North Market Street  
P.O. Box 1347  
Wilmington, DE 19899  
(302) 658-9200  
jblumenfeld@mnat.com  
jtigan@mnat.com

*Attorneys for Defendants*

April 17, 2020

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

BTL INDUSTRIES, INC.,	)
	)
Plaintiff,	)
	)
v.	) C.A. No. 19-2356 (CFC)
	)
ALLERGAN USA, INC.,	)
ALLERGAN, INC., ZELTIQ	)
AESTHETICS, INC., ZIMMER	)
MEDIZINSYSTEMS	)
CORPORATION and ZIMMER	)
MEDIZINSYSTEME GMBH,	)
	)
Defendants.	)

## **ORDER**

Defendant Zimmer MedizinSysteme GmbH having moved to dismiss the Complaint, and the Court having considered the positions of the parties on that motion,

It is hereby ordered that:

- (1) Defendant's motion to dismiss is granted; and
- (2) The Complaint against Defendant Zimmer MedizinSysteme GmbH is hereby dismissed.

---

## District Judge

**CERTIFICATE OF SERVICE**

I hereby certify that on April 17, 2020, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused copies of the foregoing document to be served on April 17, 2020, upon the following in the manner indicated:

Karen E. Keller, Esquire  
SHAW KELLER LLP  
I.M. Pei Building  
1105 North Market Street, 12th Floor  
Wilmington, DE 19801  
*Attorneys for Plaintiff*

*VIA ELECTRONIC MAIL*

J.C. Rozendaal, Esquire  
Michael E. Joffre, Esquire  
Chandrika Vira, Esquire  
Anna G. Phillips, Esquire  
STERNE, KESSLER, GOLDSTEIN  
& FOX P.L.L.C.  
1100 New York Avenue, NW, Suite 600  
Washington, DC 20005  
*Attorneys for Plaintiff*

*VIA ELECTRONIC MAIL*

*/s/ Jack B. Blumenfeld*

---

Jack B. Blumenfeld (#1014)